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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

XIU FANG LUO,)	No. C 08-0340 PJH
)	
Plaintiff,)	
)	
v.)	
)	REPLY
MICHAEL CHERTOFF, Secretary,)	
Department of Homeland Security; et al.,)	
)	
Defendants.)	

On June 9, 2008, Defendants moved the Court to remand this action to the United States Citizenship and Immigration Services. Elec. Dkt. No. 18. Defendants noticed July 23, 2008, for a hearing. Under Local Rules, Plaintiff's opposition to the motion was due on July 2, 2008, twenty-one days prior to the hearing. Civ. L.R. 7-3(a). Plaintiff has filed no opposition. Accordingly, Defendants respectfully request to Court to dismiss this action, with prejudice.

Dated: July 7, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
 United States Attorney

/s/
 MELANIE L. PROCTOR
 Assistant United States Attorney
 Attorneys for Defendants

REPLY
 No. C 08-0340 PJH

CERTIFICATE OF SERVICE

Xiu Fang Luo v. Michael Chertoff, et al.
C 08-0340 PJH

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

Reply

to be served this date upon the party(ies) as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **PERSONAL SERVICE (BY MESSENGER)** I caused such envelope to be delivered by hand to the person or offices of each addressee below.

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to the party(ies) addressed as follows:

Xiu Fang Luo, Pro Se
63 Mercury Street
San Francisco, California 94124

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 7, 2008 at San Francisco, California.

/s/
CAROL E. WEXELBAUM
Legal Assistant